

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ERIC RAY PRICE, #1848099,

Plaintiff,

v.

LORIE DAVIS, *et al.*,

Defendants.

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Case No. 6:20-CV-179-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. Docket No. 2. The Report and Recommendation of the Magistrate Judge (Docket No. 3, the “Report”) recommends that Plaintiff’s civil rights lawsuit be dismissed with prejudice for the purposes of proceeding *in forma pauperis* pursuant to 28 U.S.C. §1915(g). Plaintiff filed written objections. Docket No. 5.

The Court reviews objected-to portions of the Magistrate Judge’s Report and Recommendation de novo. *See* FED. R. CIV. P. 72 and 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). The Court conducting a de novo review examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having reviewed Plaintiff’s objections de novo, the Court concludes that the objections are without merit and that the findings and conclusions of the Magistrate Judge are correct.


Accordingly, it is **ORDERED** that Plaintiff's objections are **OVERRULED** and that the Magistrate Judge's Report (Docket No. 3) is **ADOPTED** as the opinion of this Court. Furthermore, it is

ORDERED that, to the extent Plaintiff's seeks to proceed *in forma pauperis*, such request is **DENIED**. It is also

ORDERED that Plaintiff's civil rights lawsuit is **DISMISSED WITH PREJUDICE** for purposes of proceeding in forma pauperis pursuant to 28 U.S.C. § 1915(g) as to refiling of another *in forma pauperis* lawsuit raising these claims—but without prejudice as to the refiling of his lawsuit without seeking *in forma pauperis* status. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **6th** day of **May, 2020**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE